

Search Warrant

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of

(Briefly Describe the property to be searched or identify the person by name and address)

DNA associated with KEVIN MITCHELL BAROS, date of birth May 8, 1995, currently in custody of the Arizona State Prison Complex, Eymann-Rynning Unit.

Case No.

22-8046 MB

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona.

(Identify the person or describe the property to be searched and give its location):

As further described in Attachment A.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

As set forth in Attachment B.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before

3-3-22

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the United States Magistrate Judge on duty.

in AC.

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)☐ for 30 days (not to exceed 30)☐ until, the facts justifying, the later specific date of _____

Date and time issued:

2/17/22 12:27 PM

Judge's signature

City and State:

PHX AZ

JOHN Z. BOYLE, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

Person to be Searched

The person to be search is Kevin Mitchel BAROS, date of birth May 8, 1995, a suspect in the November 23, 2020, armed USPS letter carrier robbery that occurred at approximately 5:10PM near 7303 Laguna Niguel Dr. NE, Albuquerque, NM 87109 currently in the custody of Arizona State Prison Complex, Eyman-Rynning, 4374 East Butte Avenue, Florence, AZ, 85232 under booking number 347668.

ATTACHMENT B

Particular Things to be Seized

Evidence in the form of:

1. Collection of DNA through Buccal swabs from the body of Kevin Mitchell Baros, date of birth May 8, 1995, reportedly in the custody of Arizona State Prison Complex, Eyman-Rynning Unit.
 2. Collection of Fingerprints from the body of Kevin Mitchell Baros, date of birth May 8, 1995, reportedly in the custody of Arizona State Prison Complex, Eyman-Rynning Unit.
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Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of
(Briefly Describe the property to be searched or identify the person by name and address)

DNA associated with KEVIN MITCHELL BAROS, date of birth May 8, 1995, currently in custody of Arizona State Prison Complex, Eyman-Rynning Unit.

Case No. 22-8046MB

APPLICATION AND AFFIDAVIT FOR A SEARCH WARRANT

I, U.S. Postal Inspector Corina Castro, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

As further described in Attachment A.

Located in the District of Arizona, there is now concealed (identify the person or describe the property to be seized):

As set forth in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code/Section	Offense Description
18 U.S.C. § 2114	Robbery of Postal Employee
18 U.S.C. § 924(C)	Use of Firearm During and in Relation to an in Furtherance of a Crime of Violence

The application is based on these facts:

As set forth in Attachment C, incorporated herein by reference.

☒ Continued on the attached sheet.

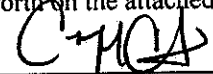
☐ Delayed notice of ___ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Addison Santome
Sworn Telephonically


ADDISON SANTOME Digitally signed by ADDISON SANTOME
Date: 2022.02.17 11:55:20 -07'00'

Date issued: 2/17/22 12:27 PM

City and State: PHX AZ


Applicant's Signature

Corina Castro, U.S. Postal Inspector
Applicant's printed name and title


Judge's signature

JOHN Z. BOYLE, U.S. Magistrate Judge
Printed name and title

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ATTACHMENT B

Particular Things to be Seized

Evidence in the form of:

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2. Collection of Fingerprints from the body of Kevin Mitchell Baros, date of birth May 8, 1995, reportedly in the custody of Arizona State Prison Complex, Eyman-Rynning Unit.

ATTACHMENT C

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Corina Castro, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I, being first duly sworn, make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of Kevin BAROS (hereinafter referred to as BAROS) to collect a DNA sample by way of two buccal (cheek) swabs.

2. I, Corina Castro, am a U.S. Postal Inspector and have been so employed since November 2019. I am assigned to the Phoenix Division, Albuquerque Domicile, Albuquerque, NM. One of my responsibilities is to investigate mail theft, identity theft, bank fraud, and robbery of postal employees' violations involving the U.S. Mail. Prior to my appointment as a U.S. Postal Inspector, I served as a Criminal Investigator with the United States Marshals Service in San Antonio, Texas, for nearly twelve (12) years. I hold a bachelor's degree in Criminal Justice from The University of Texas at El Paso.

3. My investigative training and experience includes, but is not limited to, interviewing subjects, targets, and witnesses, writing affidavits for and executing search and arrest warrants, collecting evidence, and conducting surveillance. In my assignment as a U.S. Postal Inspector, I have been tasked to investigate violations of Title 18, United States Code, Section 2114(a), Robbery of Postal Employee, and Section 924(c)(1)(A)(i)(ii), Use of Firearm During and in Relation to an in Furtherance of a Crime

of Violence, and other related offenses. I participated and received training relative to criminal investigations involving violent crimes such as robberies and burglaries.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

LETTER CARRIER ROBBERIES

4. On October 13, 2020, at approximately 1820 hours, United States Postal Service (USPS) Letter Carrier B.D. (hereinafter "Letter Carrier 1") was robbed at gunpoint at the San Miguel Del Bosque Apartments, located at 9180 Coors Blvd. NW, Albuquerque, New Mexico. An unknown male subject approached Letter Carrier 1, brandished a silver pistol, and ordered Letter Carrier 1 to lay on the ground. The unknown male subject stole a USPS Modified Arrow Lock (MAL) key, USPS Arrow Keys, the USPS Long Life Vehicle (LLV) keys, and approximately fifteen pieces of mail.

5. On November 23, 2020, at approximately 1710 hours, USPS Letter Carrier M.P. (hereinafter "Letter Carrier 2") was robbed at gunpoint near 7303 Laguna Niguel Dr. NE, Albuquerque, NM 87109. A male subject exited the front passenger side of a white Dodge Avenger sedan and approached Letter Carrier 2. The male subject pointed the firearm towards the ground and ordered Letter Carrier 2 to give him all the mail. The male subject also demanded Letter Carrier 2 give him her cellular device. The male subject grabbed the cellular device from Letter Carrier 2 and slammed the cellular device to the ground with his bare hand. The male subject took two trays of mail, returned to the front passenger seat of the white Dodge Avenger, and absconded from the area. The cellular device was obtained and impounded into evidence for future DNA and Fingerprint comparison.

6. On December 7, 2020, Postal Inspector Michael Roberto received a tip from Albuquerque Police Department (APD) Detective Duke Oliver regarding the white Dodge Avenger believed to be involved in the armed robbery of Letter Carrier 2. Detective Oliver had received an email containing photos of the vehicle involved in the robbery.

7. While off duty at his residence, Detective Oliver observed a vehicle similar to the white Dodge Avenger following a USPS vehicle. Detective Oliver noticed the vehicle bore New Mexico license plate PZD632 and observed two (2) individuals inside the vehicle, who he described as a younger female and an older male. Queries of law enforcement databases revealed New Mexico license plate PZD632 was current and registered as a 2014 White Dodge Avenger to C.G. and T.G. Based upon the photos Detective Oliver had previously seen, he believed this to be the vehicle involved in the robbery of Letter Carrier 2.

8. On December 8, 2020, Postal Inspectors located the vehicle at 11100 Gibson Boulevard SE #234K, Albuquerque, NM 87123. Postal Inspectors observed two (2) females exit #234K and enter a white Dodge Avenger bearing New Mexico license plate PZD632 and depart the area. One of the females was identified as C.G. The identification was made based upon Postal Inspectors previously reviewing photographs of C.G. obtained during the course of the investigation. C.G. is listed on the lease agreement for the address.

9. On December 11, 2020, Search and Seizure Warrant 20-MR-1779 was executed at the residence. None of the tenants were present during the execution of the warrant. During the search, mail from multiple addresses throughout Albuquerque, NM, not in the name of C.G. and not addressed to C.G., was seized by Postal Inspectors.

10. Postal Inspectors subsequently contacted C.G. and conducted a non-custodial interview at the North Valley Carrier Annex (NVCA) on December 11, 2020. Throughout December, Postal Inspectors spoke with C.G. on multiple occasions. C.G. admitted to stealing mail and turned over stolen mail from within the white Dodge Avenger, in addition to another bag of stolen mail and multiple stolen checks.

11. On December 28, 2020, C.G. was shown surveillance footage of the robbery which occurred on November 23, 2020. C.G. freely admitted the white vehicle in the video as being her vehicle and also confessed to driving the vehicle during the robbery. At that point, C.G. was immediately read the *Miranda Rights* and agreed to continue to speak with Postal Inspectors and make a statement without the presence of an attorney.

12. C.G. stated that on October 13, 2020, Bethanie Montano, Marco Alday and C.G. committed the armed robbery of Letter Carrier 1.

13. C.G. stated that on November 23, 2020, an individual using the moniker 'Kilo' and C.G. committed the armed robbery of Letter Carrier 2. C.G. identified 'Kilo' as Kevin Baros.

14. Further, C.G. told Postal Inspectors that C.G., Montano, Alday, and Baros frequently communicate through Facebook. C.G. also provided Postal Inspectors with multiple Facebook profiles for those involved in the robberies. Photos on the Facebook profiles matched known pictures of C.G, Montano, Alday and Baros.

ARIZONA DEPARTMENT OF PUBLIC SAFETY VEHICLE STOP

15. On January 14, 2021, Postal Inspector Whip was contacted by Arizona Department of Public Safety (DPS) Trooper R. Hofer (10123). Trooper Hofer stated that

on January 13, 2021, he observed a white 2021 Chevrolet Pickup, bearing Texas license plate NPN-5050, VIN: 1GCGSCEN3M1135536 (the VEHICLE) pursuant to a search warrant issued in the District of Arizona (no. 20-4009MB) by United States Magistrate Judge Camille D. Bible. The VEHICLE was registered to EAN Holdings, which is also known as Enterprise Rental Car. According to Enterprise Rental Car personnel, the VEHICLE was rented by Jewed Oliver, and it was rented for the period of January 8, 2021 to January 22, 2021. The VEHICLE was found to be in the possession of BAROS and Kara KOPLITZ in the District of Arizona on January 13, 2021.

16. Trooper Hofer stated that on January 13, 2021, he observed the VEHICLE near Prescott, Arizona. In summary, Trooper Hofer attempted to conduct a traffic stop on the VEHICLE. Trooper Hofer stated he was conducting a traffic stop on the VEHICLE for improper material on vehicle windshield/windows and unsafe lane usage. The VEHICLE failed to yield to Trooper Hofer's emergency equipment and attempted to flee from the traffic stop. Trooper Hofer stated the pursuit reached speeds of approximately 100 miles per hour. Two (2) unsuccessful attempts were made by DPS to spike the tires of the VEHICLE. Trooper Hofer conducted a precision immobilization technique (PIT) maneuver on the VEHICLE, which was successful.

17. Trooper Hofer identified the two (2) subjects inside the vehicle as BAROS and KOPLITZ. DPS conducted a cursory search of the VEHICLE and discovered the following items of significance: (a) approximately 16 grams of suspected methamphetamine; (b) suspected cocaine; (c) suspected fentanyl pills; and (d) a stolen handgun. Trooper Hofer described the stolen handgun as a black Springfield XD 9mm

handgun. The description of the handgun is consistent with the victim's statement of the November 23, 2020, armed USPS letter carrier robbery. Trooper Hofer described the contents of the VEHICLE as being a "tweaker" vehicle, and that it was full of stuff (e.g., clothing, a Play Station 4, approximately five backpacks, and multiple purses).¹ Trooper Hofer stated he was only searching for firearms and drugs. Trooper Hofer stated there may be stolen US Mail inside the VEHICLE. Furthermore, Trooper Hofer stated BAROS and KOPLITZ only wanted their wallets and cellphones from the VEHICLE.

18. BAROS and KOPLITZ told Trooper Hofer that they use methamphetamine and smoke fentanyl M30 pills. Trooper Hofer stated there were signs of drug usage inside the vehicle, to include suspected methamphetamine, suspected cocaine, fentanyl M30 pills, and aluminum foil with drug residue. BAROS and KOPLITZ stated they were in Arizona to visit a friend and were returning to Albuquerque, NM when stopped by Trooper Hofer.

19. The vehicle was towed by DPS to Firebird Towing LLC, 573 Industrial Dr., Camp Verde, Arizona 86322.

SEARCH OF THE VEHICLE

20. On January 15, 2021, I and Postal Inspector Whip went to Firebird towing LLC, 573 Industrial Dr., Camp Verde, Arizona 86322, and located the VEHICLE. From the exterior of the VEHICLE (i.e., in plain view), I observed multiple items inside the vehicle to include the following items of significance: pillows, numerous clothing items (including a dark sweatshirt), purses, electronic devices (including what

¹ A "tweaker" is a common street term for a person who is addicted to and uses methamphetamine on a regular basis. Based on your affiant's training and experience, many mail theft suspects who are apprehended are found to have a substance abuse problem with methamphetamine. Mail theft is a common crime to support methamphetamine use.

appeared to be a laptop computer and a PlayStation 4), and a zipped up Dewalt tool bag. Based on your affiant's training and experience, it is possible that BAROS and KOPLITZ were living inside the VEHICLE.

21. On January 15, 2021, I and Postal Inspector Whip executed a search warrant (20-4009MB) issued by the District of Arizona on the VEHICLE. During the search of the VEHICLE, Postal Inspectors seized a black crowbar, the SUBJECT DEVICE, and New Mexico Motor Vehicle Registration not in the name of BAROS or KOPLITZ.

22. On January 15, 2021, Postal Inspector Whip and I went to Yavapai County Jail to interview BAROS. I read BAROS his *Miranda* Rights in which BAROS signed and acknowledged his *Miranda* Rights. BAROS was willing to speak to me without an attorney present. During the interview, I showed BAROS a video of the November 23, 2020, armed USPS letter carrier robbery. BAROS reacted in a surprised way that there was video footage of the armed USPS letter carrier robbery. During the interview, Postal Inspector Whip explained to him that the armed robber grabbed the letter carrier's cellular telephone and destroyed the cellular telephone by slamming it to ground with their bare hands. Postal Inspector Whip explained to BAROS that fingerprints/DNA have been requested for the cellular telephone. BAROS became upset and stated he wanted a lawyer. The interview of BAROS was terminated when BAROS requested a lawyer.

23. DNA and Fingerprints are being sought to compare to impounded evidence from the November 23, 2020 incident.

BAROS YAVAPAI JAIL CALLS

24. On January 22, 2021, I monitored Yavapai County Jail calls for BAROS for January 16-17, 2021. During a jail call BAROS identified a female as “mom.” During the jail call BAROS states to his mom, “and then the fucken feds came and talked to me, and I’m fucked mom on that shit, I already know mom.”

25. Furthermore, I received monitored Yavapai County Jail calls for BAROS January 30, 2020- February 9, 2021. During the jail call BAROS is speaking to a female individual he calls “mom.” During the call he tell “mom” the following: that he spoke to his “pops” and his pops told him, “they want you out here too.” BAROS asked his pops “what do you mean.” Pops said, “well when you come out here, they want you out here too.” BAROS replied, “fuck.” His “mom” tells him that, “if the feds pick-up that case you are going to have to do state time first, and then you will have to do fed time.” BAROS tells his “mom,” “yup, I already know, I already know.”

BAROS TRANSFERED TO ARIZONA STATE PRISON

26. On March 18, 2021, BAROS was transfered from Yavapai County Jail to the Arizona State Prison Complex, Eyman-Rynning, 4374 East Butte Avenue, Florence, AZ, 85232. BAROS' booking number is 347668.

BAROS CRIMINAL HISTORY

27. BAROS’s criminal history includes, but is not limited to, arrests or convictions for: possession of controlled substance; burglary; possession of drug paraphernalia; aggravated burglary (ARMED); unlawful possession of firearm; failure to appear on felon; receiving/transferring stolen MV; possession of controlled substance; tampering with evidence

EXECUTION BY FORCE

28. Based on the aforementioned information, including the lengthy criminal history and propensity to flee law enforcement, I believe there is a high likelihood that BAROS may not comply with this search warrant. Therefore, I request the court's permission to use force, if necessary, to execute this search warrant.

CONCLUSION

29. Pursuant to 28 U.S.C. §1746(2), I declare under penalty of perjury that the foregoing is true and correct.

30. Based on the aforementioned information, I submit that probable cause exists to search Kevin BAROS, to collect a DNA sample by two buccal swabs and Fingerprints pursuant to Rule 41 of the Federal Rules of Criminal Procedure.



Corina Castro, U.S. Postal Inspector

SUBSCRIBED AND SWORN BEFORE ME TELEPHONICALLY THIS 17th DAY OF FEBRUARY, 2022.



HONORABLE JOHN Z. BOYLE
United States Magistrate Judge